



# House of Representatives

General Assembly

**File No. 21**

January Session, 2015

House Bill No. 5654

*House of Representatives, March 5, 2015*

The Committee on Children reported through REP. URBAN of the 43rd Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## ***AN ACT CONCERNING "GOOD SAMARITAN" PROTECTION FOR THOSE ENTERING CARS TO AID CHILDREN.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective from passage*) (a) Notwithstanding any
- 2 provision of the general statutes, a person who enters the vehicle of
- 3 another, including by force, to remove a child from the vehicle shall
- 4 not be liable to the owner of the vehicle for civil damages or criminal
- 5 penalties resulting from acts or omissions by such person in removing
- 6 the child, provided such person:
  - 7 (1) Maintains a good faith belief that entry into the vehicle is
  - 8 necessary to remove the child from imminent danger;
  - 9 (2) Contacts the local law enforcement agency, fire department or
  - 10 other appropriate emergency service prior to entering the vehicle;
  - 11 (3) Places a written notice on the windshield of the vehicle stating
  - 12 (A) the name, telephone number and address of the person entering

13 the vehicle, (B) the reason the vehicle was entered, (C) the current  
 14 location of the child, if such child was removed from the vehicle, and  
 15 (D) that the local law enforcement agency, fire department or other  
 16 appropriate emergency service has been contacted regarding the entry  
 17 of the vehicle;

18 (4) Remains with the child in a safe location, out of the elements and  
 19 reasonably close to the vehicle until the local law enforcement agency,  
 20 fire department or other appropriate emergency service arrives; and

21 (5) Uses no more force than necessary under the circumstances to  
 22 enter the vehicle to remove the child from imminent danger based  
 23 upon the circumstances known by such person at the time.

24 (b) The immunity provided in subsection (a) of this section does not  
 25 apply to acts or omissions constituting gross, wilful or wanton  
 26 negligence.

27 (c) Nothing in this section shall affect a person's civil liability if the  
 28 person attempts to render aid to the child in addition to what is  
 29 authorized under this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	from passage	New section

**KID**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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### ***OFA Fiscal Note***

#### ***State Impact:***

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 16 \$</b>	<b>FY 17 \$</b>
Resources of the General Fund	GF - Uncertain	See Below	See Below

***Municipal Impact:*** None

#### ***Explanation***

The bill results in a potential minimal revenue loss by eliminating criminal penalties that could be imposed upon individuals performing a specified "good Samaritan" act. It is unknown the number of these acts that have been charged in the past but is anticipated to be negligible; therefore the fiscal impact described above is potential.

#### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****HB 5654*****AN ACT CONCERNING "GOOD SAMARITAN" PROTECTION FOR THOSE ENTERING CARS TO AID CHILDREN.*****SUMMARY:**

Under certain circumstances, this bill immunizes from civil or criminal liability anyone who enters another person's vehicle, including by force, to remove a child who he or she believes is in imminent danger. It covers the person's actions or omissions in removing the child as long as he or she:

1. maintains a good faith belief that entering the vehicle is necessary to remove the child from imminent danger;
2. contacts the local law enforcement agency, fire department, or other appropriate emergency service (i.e., a "first responder") before entering the vehicle;
3. places a written notice on the vehicle's windshield stating (a) his or her name, telephone number, and address; (b) the reason for entering the vehicle; (c) the child's current location, if the child was removed from the vehicle; and (d) that a first responder has been contacted regarding the vehicle entry;
4. remains with the child in a safe location, out of the elements and reasonably close to the vehicle, until a first responder arrives; and
5. uses no more force than necessary under the circumstances, given what the person knows at the time, to enter the vehicle to remove the child from imminent danger.

The immunity applies to (1) liability to the vehicle owner for civil damages and (2) criminal penalties. It does not apply to acts or omissions of gross, wilful, or wanton negligence. Under the bill, a person may still be liable for civil damages if he or she attempts to

provide aid to the child in addition to the actions the bill authorizes.

EFFECTIVE DATE: Upon passage

**COMMITTEE ACTION**

Committee on Children

Joint Favorable

Yea 13 Nay 0 (02/19/2015)